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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,539	05/15/2006	Alex Marti Mercade	TJA-121US	9226
23122	7590	09/11/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER SINGH, KAVEL	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/535,539	<b>Applicant(s)</b> MERCADE ET AL.	
	<b>Examiner</b> Kavel P. Singh	<b>Art Unit</b> 3651	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 8/27/07 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

  
 GENE O. CRAWFORD  
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 1 and 2, Applicant argues that Haub in combination does not teach the claimed features of the Applicant's invention. Haub teaches transferring upright and aligned articles from a first (2) to a second conveyor (4), a thrusting wheel (15) driven in a rotary fashion by driving means and having radial blades (41), Haub teaches a stationary curved support track (20) provided below the radial blades (41), the articles being pushed by the radial blades (41) on and along the support track (20) between a delivery end of an inlet conveyor (2) and a reception end of an outlet conveyor (4), and railing means along at least one part of the support track (20), the inlet conveyor (2) is a conveyor adapted to convey articles upright on their base on a transfer surface, but does not teach as Kummer teaches an outlet conveyor is an overhead conveyor (16) adapted to convey articles hanging from a projecting configuration (Fig. 1) on a top part thereof along sustaining guides of the overhead outlet conveyor (16), with the support track (17) of the transfer unit being connected to vertical movement (16) means that can be driven to adapt the vertical distance between the support track (17) and the sustaining guides (13) of the outlet conveyor (16) to articles having the projecting configuration at different heights (C2 L30-35). Due to the clarifications, claim 1 stands rejected. Regarding claims 3, 4, and 5, Haub teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not allow for height adjustability. Gamberini teaches a support track that can be moved by vertical movement means by sleeve (23) and nut (26) connected by a flexible traction element driven by a pinion gear or drive pulley connected to a power shaft with a speed reducer of driving means to rotate the sleeve in a direction (C4 L16-25). For the foregoing reasons, claims 3-5 stand rejected. Claim 9 and 10, Haub teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not disclose multiple rotary units. Yuri discloses a guide means in respect to the center of the thrusting wheel in the first (2) or second (16) circular coaxial structures, where the guide followers (25) are attached to the coaxial structures and arranged to move with the guide means and releasable attachment for blocking first and second circular structures in angular position (C3 L1-5). For the foregoing reasons, claims 6-10 stand rejected.